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Attorneys for Defendants
MEDLINE INDUSTRIES LP (formerly known as
"MEDLINE INDUSTRIES, INC.") AND MEDLINE
INDUSTRIES HOLDINGS, L.P.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEJA NAIR, on behalf of herself and all other
similarly situated, and as an "aggrieved
employee" on behalf of other "aggrieved
employees" under the Labor Code Practice
Attorneys General Act of 2004,

Plaintiff,

v.

MEDLINE INDUSTRIES, INC., an Illinois
corporation; MEDLINE INDUSTRIES
HOLDINGS, L. P., a Delaware limited
partnership; MEDLINE INDUSTRIES, LP, an
Illinois limited partnership; and DOES 1-50,
inclusive,

Defendants.

Case No. 2:22-CV-00331-TLN-JDP

**JOINT STIPULATION TO LIFT STAY
FOR PURPOSES OF DEFENDANTS'
MOTION TO COMPEL ARBITRATION
AND ORDER**

JOINT STIPULATION
TO LIFT STAY FOR PURPOSES OF
DEFENDANTS' MOTION TO
COMPEL ARBITRATION

CASE NO. 2:22-CV-00331-TLN-JDP

JOINT STIPULATION

Plaintiff Deja Nair (“Plaintiff”) and Defendants Medline Industries, LP (formerly known as “Medline Industries, Inc.”) and Medline Industries Holdings, L.P. (collectively, “Defendants” or “Medline”) (collectively the “Parties”), by and through their respective counsel of record hereby stipulate and agree as follows:

WHEREAS, Plaintiff and Medline are parties to an arbitration agreement.

WHEREAS, Plaintiff’s operative First Amended Complaint contains a cause of action for civil penalties under the California’s Private Attorneys General Act (“PAGA”).

WHEREAS the Parties stipulated to a stay pending the U.S. Supreme Court’s decision in *Moriana v. Viking River Cruises, Inc.*, No. B297327, 2020 WL 5584508 (Cal. Ct. App. Sept. 18, 2020), *review denied* (Dec. 9, 2020), *cert. granted*, No. 20-1573, 2021 WL 5911481 (U.S. Dec. 15, 2021) (Supreme Court Case No. 20-1573) (“*Viking River*”), to decide whether the Federal Arbitration Act requires enforcement of a bilateral arbitration agreement providing that an employee cannot raise representative claims, including under the PAGA – in other words, challenging the holding of the California Supreme Court in *Iskanian v. CLS Transportation Los Angeles, LLC*, 59 Cal. 4th 348 (2014) (“*Iskanian*”). The Court agreed to the stay.

WHEREAS, on June 15, 2022, the Supreme Court decided *Viking River*.

WHEREAS, notwithstanding the decision in *Viking River*, Plaintiff maintains that the arbitration agreement is not enforceable.

WHEREAS, Medline intends to move to compel arbitration of the Plaintiff’s claims on or before August 8, 2022. The Parties stipulate that the stay should be lifted for this purpose.

JOINT STIPULATION
TO LIFT STAY FOR PURPOSES OF
DEFENDANTS’ MOTION TO
COMPEL ARBITRATION

1.

CASE NO. 2:22–CV–00331–WBS–KJN

1 **WHEREFORE**, it is agreed and stipulated by the Parties that:

2 1. The stay be lifted for the limited purpose of Defendants' motion to compel arbitration
3 and related briefing and discovery;

4 2. Defendants shall file their motion to compel arbitration on or before August 8, 2022.

5 **IT IS SO STIPULATED.**

6
7 Dated: July 15, 2022

8 Respectfully submitted,

9 LITTLER MENDELSON, P.C.

10 /s/ STEVEN A. GROODE

11 Steven A. Groode
12 Jannine E. Kranz
13 Attorneys for Defendants
14 MEDLINE INDUSTRIES LP (formerly known
as "MEDLINE INDUSTRIES, INC.") AND
MEDLINE INDUSTRIES HOLDINGS, L.P.

15 Dated: July 15, 2022

16 /s/ DAVID G. SPIVAK

17 David G. Spivak
18 Christina J. Prejean
19 THE SPIVAK LAW FIRM
Attorneys for Plaintiff
DEJA NAIR

20 Dated: July 15, 2022

21 /s/ WALTER L. HAINES

22 Walter L. Haines
23 UNITED EMPLOYEES LAW GROUP
Attorneys for Plaintiff
DEJA NAIR

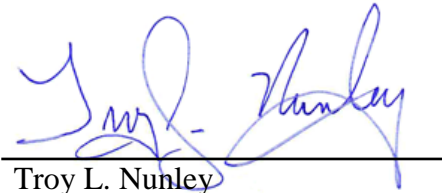
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28 **JOINT STIPULATION
TO LIFT STAY FOR PURPOSES OF
DEFENDANTS' MOTION TO
COMPEL ARBITRATION**

ORDER

Pursuant to the Parties' stipulation and good cause appearing, the Joint Stipulation to Stay Action is **GRANTED**:

1. The stay be lifted for the limited purpose of Defendants' motion to compel arbitration and related briefing and discovery;
2. Defendants shall file their motion to compel arbitration on or before August 8, 2022.

Dated: July 15, 2022



Troy L. Nunley
United States District Judge

JOINT STIPULATION
TO LIFT STAY FOR PURPOSES OF
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